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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,884	01/17/2006	Ronny Tourlaimain	WSP235US	1557
490/3	7590	10/14/2008		
MICHAEL L. DUNN SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221			EXAMINER PUROL, SARAH L.	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 10/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,884

Applicant(s)

TOURLAMAIN, RONNY

Examiner

Sarah Puroi

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-16, 20,24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover et al. 6516823 in view of Kalnay 6766623. Glover et al. teach the device claimed absent the the side parts being connected articulately to the base part. Kalnay teach the side parts 104 being connected articulately to the base part 103,107. To modify Glover et al. to have side parts connected articulately to the base as taught by Kalnay for foldability would have been obvious for one having ordinary skill in the art at the time of the invention.

Claims 13-16, 20, 24-26 are also rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record EP0612301 in view of Glover et al. 6516823. (Note pipe clamp 62,63,64,65). To modify EP0612301 with Glover et al. for the purpose of foldability would have been obvious for one having ordinary skill in the art at the time of the invention.

Claims 17-19,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of either Glover et al. in view of Kalnay or EP0612301 in view of Glover et al. and further in view of Zheng 6926020. The combination teaches the device absent the stacking corner post. Zeng teaches the stacking corner post. To provide the combination with stacking corner post as taught by Zeng for the purpose of providing more space would have been obvious for one having ordinary skill in the art at the time of the invention.

RESPONSE TO REMARKS

It is not understood why the previous action should have been found confusing. Apparently applicant's representative is not referring to the most recent office action or the current set of claims but to the first set of claims which were rejected by the examiner as indefinite. No claims were found allowable. All claims were rejected. What "seemed" to include some allowable material was later found to be rejected by prior art once the subject matter was made clearer by amendment. The original claims were too unclear for art to be applied.

Also, it was pointed out clearly that the lack of support in the specification referred to the cross strut being articulated to the upper end of the side frame parts. However, since that part of claim 13 has been deleted, it is considered moot.

Applicant's arguments regarding the applicability of the Glover et al. reference have been considered but are not deemed persuasive. The Glover et al. reference claims priority from 60/160,652 which was filed October 21, 1999 and US application

09/693,026 filed October 20, 2000 both of which predates the German Utility Model No. 202 15 597.8 of October 10,2002.

As to whether the newly cited art is more pertinent or not is also not persuasive in that a 103 rejection has been applied and therefore is not a matter of anticipation but rather that which would be obvious to one having ordinary skill in the art at the time of the invention. Applicant argues the Glover reference but it is not the Glover reference alone which has been applied rather the teachings of Glover in combination with Kalnay or , EP0612301 or Zeng all of which are found to have filing dates prior to the current application and are therefore considered appropriate as prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834.

The examiner can normally be reached on Tuesday -Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sarah Purol/

Primary Examiner

AU 3637